


CITY ATTORNEY'S OFFICE

OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C.M.S.

RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO SETTLE THE CASE OF LOUELLA SANTOBELLO V. CITY OF OAKLAND, PIEDMONT GROCERY STORE, MARK SMITH, 4038 PIEDMONT AVENUE, LLC, AND DOES 1 THROUGH 50, INCLUSIVE, ALAMEDA COUNTY SUPERIOR COURT CASE NO. 23CV057157, CITY ATTORNEY FILE NO. 36405, BY PAYMENT IN THE AMOUNT OF ONE HUNDRED AND SIXTY-SIX THOUSAND SIX HUNDRED AND SIXTY-SIX DOLLARS AND SIXTY-SEVEN CENTS (\$166,666.67) (DEPARTMENT OF TRANSPORTATION – DANGEROUS CONDITION)

WHEREAS, Plaintiff Louella Santobello (“Santobello”) alleges that on April 5, 2023, Santobello sustained physical injury as a result of tripping over an uplift on the public sidewalk; and

WHEREAS, the City received prior complaints about the uplift, which was likely caused by a nearby City tree; and

WHEREAS, Santobello allegedly suffered a fractured left elbow, damaged jawbone and chipped front teeth, and underwent surgery for the injuries; and

WHEREAS, Santobello filed the lawsuit entitled *Louella Santobello v. City of Oakland, Piedmont Grocery Store, Mark Smith, 4038 Piedmont Avenue, LLC, and DOES 1-50*, Alameda County Superior Court Case No. 23CV057157, alleging negligence and dangerous condition of public property; and

WHEREAS, the City has considered all the evidence, litigation costs, and litigation risks in this case; and

WHEREAS, the City has determined that it is in the City’s best interest to settle this lawsuit without admitting liability or wrongdoing and to avoid further litigation; and

WHEREAS, the parties and their legal counsel have negotiated a fair and reasonable settlement of these claims; now, therefore, be it

RESOLVED: That the City Attorney is authorized and directed to compromise and settle the case of *Louella Santobello v. City of Oakland, Piedmont Grocery Store, Mark Smith, 4038 Piedmont Avenue, LLC, and DOES 1-50*, Alameda County Superior Court Case No. 23CV057157, for the sum of One Hundred and Sixty-Six Thousand Six Hundred and Sixty-Six Dollars and Sixty-Seven Cents (\$166,666.67); and be it

FURTHER RESOLVED: That the City Attorney is authorized and directed to take whatever steps as may be necessary to effect said settlement.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES - BROWN, FIFE, GALLO, HOUSTON, RAMACHANDRAN, UNGER, WANG, AND
PRESIDENT JENKINS

NOES –

ABSENT –

ABSTENTION –

ATTEST:_____

ASHA REED
City Clerk and Clerk of the Council of the
City of Oakland, California